

## THE ANTIQUITIES LAW AND The Mississippi Landmark Program

Section 39-7-3 of

### THE ANTIQUITIES LAW OF MISSISSIPPI

Mississippi Code of 1972,  
as amended

It is hereby declared to be the public policy and in the public interest of the State of Mississippi to locate, protect, and preserve all sites, objects, buildings, shipwrecks, and locations of historical, archaeological, or architectural significance, including, but not limited to, historically or architecturally significant buildings, structures relating to significant engineering accomplishments, prehistoric and historical American Indian or aboriginal campsites, dwellings, and habitation sites, archaeological sites of every character, treasure imbedded in the earth, sunken or abandoned ships and wrecks of the sea or any part or the contents thereof, maps, records, documents, books, artifacts, and implements of culture in any way related to the inhabitants, prehistory, history, natural history, government, or culture in, on or under any of the lands, tidelands, submerged lands, and bed of the sea within the jurisdiction of the State of Mississippi.

### *Frequently Asked Questions*

#### **What is the Antiquities Law?**

The Antiquities Law, passed in 1970 and amended in 1983, affirms the State's interest in locating, protecting, and preserving historic properties, especially those that are publicly owned. These properties, which include sites, objects, and buildings of historical, archaeological, or architectural significance, are identified in the law as "Mississippi Landmarks." The Antiquities Law places the responsibility for implementing the law on the Board of Trustees of the Mississippi Department of Archives and History. The Board has established a Permit Committee, composed of the Department director and professional staff in the Department's Historic Preservation Division, to propose designations of properties as Mississippi Landmarks and to review any proposed changes to these properties. This process helps to insure that Mississippi's historic, architectural, and cultural heritage is preserved for the edification and enjoyment future generations.

#### **What properties does the Antiquities Law affect?**

Any publicly owned property (belonging to the state, counties, municipalities, or other political subdivisions) may be determined to have significance and designated as a Mississippi Landmark by the Permit Committee.

#### **How are properties designated as Mississippi Landmarks?**

The process begins when a property is identified as potentially eligible for Mississippi Landmark status and is officially placed "under consideration." Generally, properties eligible for listing in the National Register of Historic Places qualify for Mississippi Landmark designation. The owner of the property is then notified and given the opportunity to comment on the possible designation of the property. Public comment is also solicited through a legal notice in the local newspaper. The comment period is normally thirty days. At its next meeting after the comment period, the Permit Committee considers any comments received and makes a formal recommendation to the Board of Trustees regarding the designation of the property as a Mississippi Landmark. The Mississippi Landmark designation is then recorded in the deed records of the appropriate county's Chancery Clerk office as a perpetual preservation easement.

Section 39-7-11, (2) of

## **THE ANTIQUITIES LAW OF MISSISSIPPI**

Mississippi Code of 1972,  
as amended

All other sites, objects, buildings, artifacts, implements, structures and locations of historical or architectural significance located in or under the surface of any lands belonging to the State of Mississippi or to any county, city or political subdivision of the state may be declared Mississippi Landmarks by majority vote of [the Board of Trustees of Mississippi Department of Archives and History]. Every Mississippi Landmark shall be so designated based upon its significance within the historical or architectural patterns of a community, a county, the State of Mississippi, or the United States of America. Upon such action by the board, the designation of the Mississippi Landmark shall be recorded in the deed records of the county in which the landmark is located. All such designated sites or items located on public lands within the State of Mississippi may not be taken, altered, damaged, destroyed, salvaged, restored, renovated or excavated without a permit from the board or in violation of the terms of such permit.

## **What does Mississippi Landmark status mean?**

Any proposed work that could affect the historical or architectural character of a Mississippi Landmark is subject to review by the Permit Committee. Property owners are required to notify the Permit Committee in the early planning stage, and always prior to the letting of bids, of proposed projects that may affect designated or potential Mississippi Landmarks. This is done by filing a *Notice of Intent Form of Public Construction, Public Improvement, or Transfer of Public Property to Private Ownership*. This form may be obtained from the Historic Preservation Division.

Staff members of the Historic Preservation Division are available to work with public officials, architects, and engineers to insure compliance with the Antiquities Law. There is no charge for this service.

## **Can private property be designated a Mississippi Landmark?**

Yes. The law provides a process for the designation of private property at the request of the owner. Interested property owners must submit a notarized resolution requesting Mississippi Landmark designation, along with documentation of the historical or architectural significance of their property. Resolution forms can be obtained from the Historic Preservation Division. The review process for publicly owned Mississippi Landmarks, as described above, applies to privately owned Mississippi Landmarks as well.

## **How can I get more information on the Mississippi Landmark Program?**

Contact:

Mississippi Department of Archives and History  
Historic Preservation Division  
P. O. Box 571  
Jackson, Mississippi 39205-0571  
Telephone 601-576-6940  
Fax 601-576-6955  
e-mail: [msshpo@mdah.state.ms.us](mailto:msshpo@mdah.state.ms.us)

*A complete copy of the Antiquities Law can be obtained from the Historic Preservation Division, Mississippi Department of Archives and History.*